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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,097	11/14/2003	Scott C. Harris	Barcode-D1	9523
23844	7590	07/10/2009		
SCOTT C HARRIS			EXAMINER	
P O BOX 927649			WALSH, DANIEL I	
SAN DIEGO, CA 92192				
		ART UNIT	PAPER NUMBER	
		2887		
		MAIL DATE	DELIVERY MODE	
		07/10/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,097

Applicant(s)

HARRIS, SCOTT C.

Examiner

DANIEL WALSH

Art Unit

2887

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-6-09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 28-31, 49, 50, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 28-31, 49, 50, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 12-8-09, 2-21-09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 18, 19, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 20020065728).

Re claim 18, Ogasawara teaches a portable communication device with a camera and display therein to obtain an image of a barcode (FIG. 14), receiving and displaying on said display unit of the portable communication device, information obtained from a remote server, which information indicates information based on a meaning that was represented by the barcode the meaning being additional information beyond that which was present in the barcode (FIG. 13 and paragraph [0144], where a barcode image is captured, the numerical information is obtained, and this numerical information is sent to a remote server which in turn sends back the information (additional) to be displayed on the device, using the device to make a telephone call (inherent property of a phone). Though silent to using a processor to determine sizes of bars and spaces to obtain numerical information of the barcode without obtaining the meaning of the barcode represented by the numerical information, the Examiner notes that it is well known and conventional to decode barcodes into their numerical information by calculating the bars/spaces,

in which data is encoded (represented), and therefore such limitations are an obvious expedient to determine the numerical data. As discussed above, this is sent to the server.

Re claim 19, paragraph [0123] teaches a video camera, thus capturing videos.

Re claims 58-59, the numerical information from scanning can be interpreted as a pointer to data storage in the server, from which additional information is fetched. Though silent to a database, the Examiner notes that a database is an obvious expedient for data storage/organization.

2. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, as discussed above, in view of Schuessler (US 20010045461).

Re claims 28-30, the teachings of Ogasawara have been discussed above.

Ogasawara is silent to first and second parts of the code as claimed.

Schuessler teaches a dual type barcode with a first part that is interpreted by a first barcode scanning process to obtain information and a second part which is interpreted by a second barcode scanning process to obtain second information that has more information than the first information (abstract) and they are scanned in different directions (FIG. 1). The Examiner notes that the 2d code (non-linear) stores more information than the linear code, as, as they are different format codes, are interpreted as being scanned in different processes. The Examiner notes that such 2d codes are understood to be scanned in two directions, which would include the limitations of a direction different than the 1d/linear code scanning.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogasawara with those of Schuessler.

One would have been motivated to do this to encode more information into the barcode.

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara/Schuessler, as discussed above, in view of Kaufman et al. (US 6070805).

Re claim 31, the teachings of Ogasawara/Schuessler have been discussed above.

Ogasawara/Schuessler are silent to second information from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Ogasawara/Schuessler with those of Kaufman et al.

One would have been motivated to do this to provide additional data storage along with robustness, reduced errors and alternative identification.

4. Claims 18 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al. (US 6550672).

Re claim 18, Tracy et al. teaches a portable communication device that includes a camera therein to take an image of a barcode (portable terminal can include a CCD/laser barcode scanner (col 3, lines 30+) decoding information in the barcode to obtain information and using that information as an address to access a website (col 2, lines 41+ which teaches URL encoding). This is interpreted as representing additional information obtained from a remote server as claimed, and displaying the information. Though silent to using a processor to determine sizes of bars and spaces to obtain numerical information of the barcode without obtaining the meaning of the barcode represented by the numerical information, the Examiner notes that it is well known and conventional to decode barcodes into their numerical information by calculating the bars/spaces, in which data is encoded (represented), and therefore such limitations are an obvious expedient to determine the numerical data.

Re claims 58-59, the numerical information from scanning can be interpreted as a pointer to data storage in the server, from which additional information is fetched. Though silent to a database, the Examiner notes that a database is an obvious expedient for data storage/organization.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al., as discussed above, in view of Ogasawara, as discussed above.

Re claim 19, the teachings of Tracy et al. have been discussed above.

Tracy et al. teaches a portable phone device, but is silent to video recording.

Ogasawara, as discussed above, teaches video recording in the device (paragraph [0123]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tracy et al. with those of Ogasawara.

One would have been motivated to do this to provide extra user functionality for the user device, as is conventional in the art.

6. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al., as discussed above, in view of Schuessler, as discussed above.

Re claims 28-30, the teachings of Tracy et al. have been discussed above.

Tracy et al. is silent to first and second parts of the code as claimed.

Schuessler teaches a dual type barcode with a first part that is interpreted by a first barcode scanning process to obtain information and a second part which is interpreted by a second barcode scanning process to obtain second information that has more information than the first information (abstract) and they are scanned in different directions (FIG. 1). The Examiner notes that the 2d code (non-linear) stores more information than the linear code, as,

they are different format codes, are interpreted as being scanned in different processes. The Examiner notes that such 2d codes are understood to be scanned in two directions, which would include the limitations of a direction different than the 1d/linear code scanning.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tracy et al. with those of Schuessler.

One would have been motivated to do this to encode more information into the barcode.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Schuessler, as discussed above, in view of Kaufman et al., as discussed above.

Re claim 31, the teachings of Tracy et al./Schuessler have been discussed above.

Tracy et al./Schuessler is silent to second information from a color/grayscale.

Kaufman et al. teaches color being used to store information in a barcode (claims 1-8+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tracy et al./Schuessler with those of Kaufman et al.

One would have been motivated to do this to provide additional data storage along with robustness, reduced errors and alternative identification.

8. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al., as discussed above, in view of Swartz et al. (US 6655597).

Re claim 49, the teachings of Tracy et al. have been discussed above.

Tracy et al. is silent to the advertisement as claimed.

Swartz et al. teaches such limitations (col 7, lines 41+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tracy et al. with those of Swartz et al.

One would have been motivated to do this to provide more data for advertisements by linking to websites, thereby providing additional data/marketing.

9. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy et al./Ogasawara, as discussed above, in view of Swartz et al., as discussed above.

Re claim 50, the teachings of Tracy et al./Ogasawara have been discussed above.

Tracy et al./Ogasawara et al. are silent to the advertisement as claimed.

Swartz et al. teaches such limitations (col 7, lines 41+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Tracy et al./Ogasawara with those of Swartz et al.

One would have been motivated to do this to provide more data for advertisements by linking to websites, thereby providing additional data/marketing.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892, including US 20020194075 which teaches coupon/advertisements and US 5978773 which teaches a pointer and database through a database retrieving the URL corresponding to the UPC code, conventional in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887